

To the Members of the California State Assembly:

I am returning Assembly Bill 2259 without my signature.

This bill would allow a homeowner in a common interest development (CID) to retain the right to rent or lease his or her unit, if the right existed at the time of ownership unless the owner relinquishes those rights in writing.

The supporters of this bill stress that the bill will protect the property rights of the owners of property within a CID governed by a home owner association (HOA) by preserving the conditions under which the property was purchased. This view stresses that these conditions are essentially a contract between the buyer and the HOA. However, the converse of this argument is that owners have their property rights limited when they are prevented from renting or leasing their property when they are restricted by this law and the subsequent actions taken by HOAs.

This bill alters the basic tenets under which CIDs and HOAs are formed and operated. While my support of property rights is unwavering, the CID creates a unique community model that is unlike the standard single family home in a traditional neighborhood. Property owners and residents that purchase and live in a CID governed by an HOA have agreed to live under a common set of rules and guidelines governed by a democratic process. It is best, as current law allows, for the owner-members of the HOA to determine what is best for their communities.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger